IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Crl.Rev.Pet.No. 2132 of 2007()

CRA.801/2003 of ADDL.SESSIONS COURT, THALASSERY
STC.2238/2003 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED

VALSAN, (DRIVER), AGED 44 YEARS,
S/O.KUNHIRAMAN, INSTITUTE OF ADVANCE STUDIES,
OPP.DHANYA REMYA THEATRE, THIRUVANANTHAPURAM.

BY ADV. SRI.C.V.BIMAL ROY
SRI.SAIJO HASSAN

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE

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1. V.M.VARKEY, S/O.MATHAYI,
VAZAKKALPUTHAPPURA HOUSE, P.O.CHARAL,
AYYAMKUNNU AMSOM DESOM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.2132 of 2007

Dated this the 31st day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a fine of Rs.50,000/- and in default, to undergo simple imprisonment for three months and out of the fine amount, if realised, to pay an amount of Rs.45,000/- to the complainant.

2. Counsel for the revision petitioner has only sought for modification of the sentence and time to pay the amount of compensation. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.45,000/- to the complainant and in default, to undergo simple imprisonment for six months. Revision petitioner is granted six months' time from today onwards to remit the compensation amount. He shall appear before the Additional Chief Judicial Magistrate Court, Thalassery on 1.12.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 1.12.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl